



TRAVI 017A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin R. Schiff, et al.
Appl. No. : 09/728,583
Filed : December 1, 2000
For : SYSTEMS AND METHODS
OF COMPARING PRODUCT
INFORMATION
Examiner : Unknown

3629
Group Art Unit. 2166

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

August 24, 2001
(Date)
James B. Bear, Reg. No. 25,221

RECEIVED

AUG 29 2001

OFFICE OF PETITIONS

**DECLARATION UNDER 37 C.F.R. § 1.47(a) BY JAMES B. BEAR
REGARDING NONSIGNING INVENTOR ADOLF QUINTANA**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, James B. Bear, declare and state the following:

1. I am a patent attorney at Knobbe, Martens, Olson and Bear, LLP, which represents Travel Services International, Inc. ("Travel Services International") with regard to certain intellectual property matters.

2. I am informed and believe that Martin Schiff, Kathleen Sussman-Wiles, Vivian Ewart, Wallace Huff, Byron Berk, Maureen Elenberger, Timothy Fessenden, Paul Fitton, Vance Loiselle, Michael Carpenter, Michael Sherota, Elizabeth Judy, Elena Rodriguez, Holley Christen, Mitch Cox, Todd Elliott, Kevin Helms, Adolf Quintana, Dot Tolle, Nancy Porter, Karen Reynolds, Monica Scanlon, Paul Colangelo, Tracey Codd, Joanell DeLand, Timothy Moorhead, Anne D. Burkard, George DelPino, Joelle Delva, Sharon Everhart-Brooks, Bradley Ferguson, David Forman, Samuel Hintz, Irwin Klotz, Courtney Kurk, Keith Leslie, Sandi Levy, Fred Locicero, Charlotte Luna, Jeffrey Nickerson, and Maryann Bastnagel are joint and co-inventors in the above-referenced U.S. patent application.

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3. I am informed and believe that at the time of the activities leading up to the invention of the subject matter of the above-referenced U.S. patent application, Adolf Quintana was part-time employee of Travel Services International.

4. I am informed and believe that Adolf Quintana participated in a project to develop systems and methods of comparing product information on behalf of Travel Services International.

5. The last address of Adolf Quintana, known to me, is:

824 Camargo Way #105

Alamonte Springs, Florida 32714

6. The last e-mail address of Adolf Quintana, known to me, is:

is-mquin33885@aol.com.

7. From at least as early as August 23, 2000 to August 6, 2001, I was informed and believed that Adolf Quintana's address was:

8611 Villa Point #1221

Orlando, FL 32810.

8. On December 13, 2000, I had a letter sent by Federal Express Priority Overnight Service to Adolf Quintana, 8611 Villa Point #1221, Orlando, FL 32810. The letter included a copy of the above-referenced U.S. patent application, a Declaration by Inventors for the application, and an Assignment form for the application. The letter asked Adolf Quintana to sign the enclosed Declaration by Inventors, sign and notarize the Assignment form, and to return the papers to me. A copy of the delivery documentation, the letter, and the enclosures related to the above-reference patent application are attached hereto as Exhibit A and are incorporated herein by reference.

9. On April 5, 2001, I sent a letter written on April 2, 2001 by Federal Express Standard Overnight Service to Adolf Quintana, 8611 Villa Point #1221, Orlando, FL 32810. The letter was a follow-up to the December 13, 2000 letter and contained additional copies of the Declarations by Inventors and Assignments. Adolf Quintana was asked to complete the forms per the instructions in the prior letter and return to me in a provided Federal Express envelope. A copy of the delivery documentation and the letter are attached hereto as Exhibit B and are incorporated herein by reference.

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10. On April 9, 2001, I was informed by Amy Christensen, an attorney at Knobbe, Martens, Olson & Bear, LLP, of a voice message from Federal Express about the letter I sent on April 5, 2001 to Adolf Quintana. I was told that Federal Express could not deliver the letter because Adolf Quintana had moved and they did not have any forwarding information. Federal Express returned the package via overnight mail. A copy of the delivery documentation noting that the package was not delivered due to an incorrect address and a copy of the returned letter are attached hereto as Exhibit C and is incorporated herein by reference.

11. On April 10, 2001, I sent a letter via express mail to Adolf Quintana, 8611 Villa Point #1221, Orlando, FL 32810 with the instructions to forward to new address. The letter was a follow-up to the December 13, 2000 letter and contained additional copies of the Declaration by Inventors and Assignment corresponding to the above-referenced patent application. Adolf Quintana was asked to complete the forms per the instructions in the prior letter and return them to me in a provided Federal Express envelope. A copy of the delivery documentation and the letter are attached hereto as Exhibit D and are incorporated herein by reference.

12. On April 25, 2001, I sent another letter via Federal Express Priority Overnight Service to Adolf Quintana, 8611 Villa Point #1221, Orlando, FL 32810. The letter was a follow-up to both the December 13, 2000 and April 5, 2001 letters. The letter urged Adolf Quintana to sign and notarize the Declaration and Assignment and return them to me or notify me why he was unwilling to sign the Declaration and Assignment. A copy of the delivery documentation and the letter are attached hereto as Exhibit E and are incorporated herein by reference.

13. On July 20, 2001, I sent a final letter via U.S.P.S. Certified Mail Service to Adolf Quintana, 8611 Villa Point #122, Orlando, FL 32810. The letter was a follow-up to both the December 13, 2000 and April 5, 2001 letters. The letter informed Adolf Quintana that I had not received any contact from him regarding the prior letters. Further, the letter acknowledged that Adolf Quintana's lack of response to the prior letters evidenced his refusal to sign the Declaration and Assignment. The letter also notified Adolf Quintana that I would be forced to file the formal documents for the above-referenced application without his signature. A copy of the delivery documentation and the letter are attached hereto as Exhibit F and are incorporated herein by reference.

14. On July 31, 2001, I instructed Amy C. Christensen, an attorney at Knobbe, Martens, Olson, and Bear, LLP, to contact DataSearch via e-mail and request that a "Discovery

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Plus Search" be conducted to determine the current address for Adolf Quintana. I was notified via e-mail that the request been entered. A copy of this e-mail is attached hereto as Exhibit G and is incorporated herein by reference.


15. On Monday, August 6, 2001, I received an email from Adolf Quintana sent Monday, August 6, 2001 at 6:54 am from Adolf_Quintana@travelbyus.com containing an explicit statement of his refusal to sign. In the email he stated the following:

"[M]y intention is to not sign these documents, based on the fact that the cruise side of your system is basically the combination of all my efforts while at Cruises Only, to create a comprehensive system that would allow the company to control all the group allocations in a timely and effective manner. It makes no sense for me to take a chance, since my ideas down the road, might entice another company to create a system similar to yours from the operational viewpoint, unless you are willing to provide some sort of remuneration for the signatures."

In addition, Adolf Quintana listed his personal e-mail address and his home address. A copy of the email from Adolf Quintana is attached hereto as Exhibit H and is incorporated herein by reference.

16. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 8/23/01

By: 
James B. Bear